

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADJUSTACAM LLC

Plaintiff

v.

AMAZON.COM, INC. *et al.*,

Defendants

Case No. 6:10-cv-329-LED

JURY TRIAL DEMANDED

**DEFENDANT FRY'S ELECTRONICS, INC.'S NOTICE OF JOINDER IN DEFENDANT
DELL INC.'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS PLAINTIFF'S
ALLEGATIONS OF INDIRECT INFRINGEMENT AND WILLFUL INFRINGEMENT
FOR FAILURE TO STATE A CLAIM**

Defendant Fry's Electronics, Inc. ("Fry's") hereby joins Defendant Dell Inc.'s Reply in Support of its Motion to Dismiss Plaintiff's Allegations of Indirect Infringement and Willful Infringement for Failure to State a Claim (Docket No. 273) and the arguments and authorities found therein. Fry's has previously joined Dell Inc.'s Corrected Motion to Dismiss Plaintiff's Allegations of Indirect Infringement and Willful Infringement for Failure to State a Claim (Docket No. 196 (Fry's Notice of Joinder); Docket No. 164 (Dell's Motion to Dismiss)).

AdjustaCam LLC's ("AdjustaCam") allegations of indirect infringement against Fry's are substantively the same as those it has asserted against Dell, Inc. ("Dell"), and are deficient for the same reasons set forth in Dell's Reply. *Compare* First Amended Complaint for Patent Infringement (Docket No. 111), ¶ 104 (Fry's) *with* ¶ 92 (Dell); *see also id.* at ¶ 224 (Fry's & Dell). Because AdjustaCam has not adequately pled the required facts to support an allegation that Fry's indirectly or willfully infringed the patent-in-suit, its indirect infringement and willful infringement claims against Fry's should be dismissed.

DATED: October 6, 2010

By: /s/ Steven R. Daniels

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel of record who have consented to electronic service as this district requires. Local Rule CV-5(a)(3)(A).

/s/ Steven R. Daniels
